

STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS  
DIVISION OF WATER RESOURCES  
STATE ENGINEER

ORDER

APPLICATION 7647

PERMIT 4207

LICENSE 1652

ORDER ALLOWING CHANGE IN POINT OF DIVERSION

Licensees having established to the satisfaction of the State Engineer that the change in point of diversion under Application 7647, Permit 4207, License 1652 for which petition was submitted on December 14, 1951 will not operate to the injury of any other legal user of water, the State Engineer so finds, and

IT IS ORDERED that permission be and the same is hereby granted to change the point of diversion under said Application 7647, Permit 4207, License 1652 to point of diversion described as follows, to wit:

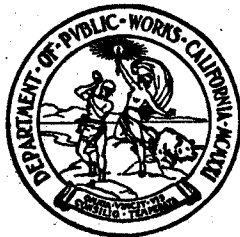
NORTH TWO DEGREES FIFTEEN MINUTES WEST (N 2° 15' W)  
TWO THOUSAND EIGHT HUNDRED SEVEN (2807) FEET FROM THE  
EAST QUARTER CORNER OF SECTION 18, T 11 N, R 17 E,  
M.D.B.&M., BEING WITHIN SE $\frac{1}{4}$  OF SE $\frac{1}{4}$  OF SECTION 7,  
T 11 N, R 17 E, M.D.B.&M.

WITNESS my hand and the seal of the Department of Public Works of the State of California this 28th day of January 1952.



A. D. Edmonston  
A. D. Edmonston  
State Engineer

3



STATE OF CALIFORNIA  
DEPARTMENT OF PUBLIC WORKS  
DIVISION OF WATER RESOURCES

# License for Diversion and Use of Water

Notice of Assignment (Over)

LICENSE 1652

PERMIT 4207

APPLICATION 7347

THIS IS TO CERTIFY, That Fred H. Abbott, C.A. Phillips, E.S. Wilson and J.L. Stahl of Davis, California, A.V. Wilde and M.O. Conger of Sacramento, California, Don Atterbury of Yuba City, California, and F. J. and Phoebe H. Thompson of Vallejo, California, have made proof to the satisfaction of the Division of Water Resources of California of a right to the use of the waters of **Rocky Canyon or Rock Creek** in **El Dorado County**

tributary of **South Fork of American River**

for the purpose of **domestic use**

under Permit **4207** of the Division of Water Resources and that said right to the use of said waters has been perfected in accordance with the laws of California, the rules and regulations of the Division of Water Resources and the terms of the said permit; that the priority of the right herein confirmed dates from **August 14, 1933;**

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to the amount actually beneficially used for said purposes and shall not exceed **sixteen hundred (1600) gallons per day** from about April 1st to about October 31st of each season.

The point of diversion of such water is located **North seven hundred fifty-two (752) feet and West one hundred eighty-five (185) feet** from the southeast corner of Section 7, T 11 N, R 17 E, M.D.B.&M. and being within the **SE $\frac{1}{4}$**  of **SE $\frac{1}{4}$**  of said Section 7.

Amended by order of JAN 28 1952

A description of the lands or the place where such water is put to beneficial use is as follows:

**Lots 7, 8, 9, 10, 11, 13, 14 and 16 of Strawberry Special Use Tract of El Dorado National Forest and being within the NE $\frac{1}{4}$  of NE $\frac{1}{4}$  and SE $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 18, T 11 N, R 17 E, M.D.B.&M.**

The lot numbers of the respective individuals are:

F. J. and Phoebe H. Thompson	Lot 7
E. S. Wilson	Lot 8
F. J. Stahl	Lot 9
Fred H. Abbott	Lot 10
Don Atterbury	Lot 11
M. O. Conger	Lot 13
A. V. Wilde	Lot 14
C. A. Phillips	Lot 16

The right to the diversion and use of the water aforesaid hereby confirmed is restricted to the point of diversion herein specified and to the lands or place of use herein described.

1

\*This license is granted and said appropriator takes all rights herein mentioned, subject to the terms and conditions set forth in Section 20 of Chapter 586, Statutes 1913, which is as follows:

Sec. 20. All permits and licenses for the appropriation of water shall be under the terms and conditions of this act, and shall be effective for such time as the water actually appropriated under such permits and licenses shall actually be used for the useful and beneficial purpose for which said water was appropriated, but no longer; and every such permit or license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this section and likewise the statement that any appropriator of water, to whom said permit or license may be issued, shall take the same subject to such conditions as therein expressed; provided, that if, at any time after the expiration of twenty years after the granting of a license, the state, or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the state shall have the right to purchase the works and property occupied and used under said license and the works built or constructed for the enjoyment of the rights granted under said license; and in the event that the said state, city, city and county, municipal water district, irrigation district, lighting district or political subdivision of the state so desiring to purchase said the said owner of said works and property can not agree upon said purchase price, said price shall be determined in such manner as is now or may hereafter be determined in eminent domain proceedings. If it shall appear to the state water commission at any time after a permit or license is issued as in this act provided that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee, has not put the water granted under said permit or license to the useful or beneficial purpose for which the permit or license was granted, or that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee, has failed to observe any of the terms and conditions in the permit or license issued, then and in that case the said commission, after due notice to the permittee, licensee, or the heirs, successors or assigns of such permittee or licensee, and a hearing thereon, may revoke said permit or license, and declare the water to be unappropriated and open to further appropriation in accordance with the terms of this act. And the findings and declaration of said commission shall be deemed to be prima facie correct until modified or set aside by a court of competent jurisdiction; provided, that any action brought so to modify or set aside such finding or declaration must be commenced within thirty days after the service of notice of said revocation on said permittee or licensee, his heirs, successors or assigns. And every licensee or permittee under the provisions of this act if he accepts such permit or license shall accept the same under the conditions precedent that no value whatsoever in excess of the actual amount paid to the state therefor shall at any time be assigned to or claimed for any permit or license granted or issued under the provisions of this act, or for any rights granted or acquired under the provisions of this act, in respect to the regulations by any competent public authority of the services or the price of the services to be rendered by any permittee or licensee, his heirs, successors or assigns or by the holder of any rights granted or acquired under the provisions of this act, or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the state or any city, city and county, municipal water district, irrigation district, lighting district or any political subdivision of the state, of the rights and property of any permittee or licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this act. The application for a permit by municipalities for the use of water for said municipalities or the inhabitants thereof for domestic purposes shall be considered first in right, irrespective of whether they are first in time; provided, however, that such application for a permit or the granting thereafter of permission to any municipality to appropriate waters, shall not authorize the appropriation of any water for other than municipal purposes; and providing, further, that where permission to appropriate is granted by the state water commission to any municipality for any quantity of water in excess of the existing municipal needs thereof, that pending the application of the entire appropriation permitted, the state water commission shall have the power to issue permits for the temporary appropriation of the excess of such permitted appropriation over and above the quantity being applied from time to time by such municipality; and providing, further, that in lieu of the granting of such temporary permits for appropriation, the state water commission may authorize such municipality to become as to such surplus a public utility, subject to the jurisdiction and control of the railroad commission of the State of California for such period or periods from and after the date of the issuance of such permission to appropriate, as may be allowed for the application to municipal uses of the entire appropriation permitted; and providing, further, that when such municipality shall desire to use the additional waters granted in its said application it may do so upon making just compensation for the facilities for taking, conveying and storing such additional water rendered valueless for said purposes, to the person, firm or corporation which constructed said facilities for the temporary use of said excess waters, and which compensation, if not agreed upon between the municipality and said person, firm or corporation, may be determined in the manner provided by law for determining the value of property taken by and through eminent domain proceedings.

Witness my hand and the seal of the Department of Public

Works of the State of California, this 11th  
day of May, 19 36.

EDWARD HYATT  
State Engineer

By Harold Conkling  
Deputy



10/26/48 RECEIVED NOTICE OF ASSIGNMENT to Int of Fred W. Abbott to James H. & James W. Brady

7/1/49 RECEIVED NOTICE OF ASSIGNMENT to Int of A.V. Wilde to Thomas E. & George L. Wilde

6/14/51 RECEIVED NOTICE OF ASSIGNMENT to Int of J. L. Stahl to Warner H. Wilson

10-29-59 RECEIVED NOTICE OF ASSIGNMENT to Charles Kroner  
2-8-63 File now stands in names of F. J. Thompson, Bernice H. Wilson, W. Warner Wilson, Charles L. Pepper, A. O. Atterbury, Casper Kolb, Millie Kolb, Thomas E. Wilde, George J. Wilde & C. A. Phillips

6-12-63 RECEIVED NOTICE OF ASSIGNMENT to Int of F. J. Thompson to Clyde W. Rust, Jr. & Mae M. Rust

10/24/68 RECEIVED NOTICE OF ASSIGNMENT to Donald B. Phillips & Addie Phillips, dec'd

LICENSE 1652

STATE OF CALIFORNIA  
DEPARTMENT OF PUBLIC WORKS

DIVISION OF WATER RESOURCES

LICENSE  
TO APPROPRIATE WATER

ISSUED TO Fred H. Abbott, et al.

DATED May 1, 1936

2842 4-35 1M CALIFORNIA STATE PRINTING OFFICE

2

Int. of Bernice H. Wilson

2-25-64 RECEIVED NOTICE OF ASSIGNMENT TO James L. Wilson

of Int. of W. Warner Wilson

2-25-64 RECEIVED NOTICE OF ASSIGNMENT TO Beryl Wilson

of Int. of C. A. Phillips

2-25-64 RECEIVED NOTICE OF ASSIGNMENT TO Adelaide Phillips

10/21/68 RECEIVED NOTICE OF ASSIGNMENT TO Donald B. Phillips <sup>partial of Int. of Adelaide Phillips, deceased</sup>

3-9-72 RECEIVED NOTICE OF ASSIGNMENT TO Trust of Thomas E. Wilde  
to George T. Wilde

12-13-74 Records chg'd to show - Mrs M. & Clyde Rust,  
Dr. John & Helen Woodchill, Beryl & Warner M. Wilson,  
Charles L. Pepper, A. D. Atterbury, Casper & Mollie  
Kolb, George T. Wilde & Donald B. Phillips  
as owners

8/26/75 Interest of Millie & Casper Kolb assigned to Wayne & Barbara Spittler

4/21/78 Interest of Clyde Rust Sr. & Mae Rust assigned to Clyde Rust Jr.,  
& Claudia N. Green.

7-15-93 Int of Beryl Wilson asgt to Neal & Phyllis Stirling;